

EXHIBIT 93

Declaration of Emil Kang

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
CASE NO. 1:14-CV-954**

**STUDENTS FOR FAIR ADMISSIONS,
INC.,**

Plaintiff,

v.

**UNIVERSITY OF NORTH
CAROLINA et al.,**

Defendants.

DECLARATION OF EMIL KANG

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I, Emil Kang, hereby make this declaration from my personal knowledge and, if called to testify to these facts, could and would do so competently:

Background

1. I am the Executive Director for the Arts at The University of North Carolina at Chapel Hill (“UNC-Chapel Hill” or the “University”), a senior administrative post created in 2005 to help unify and elevate the performing arts at the University. At UNC-Chapel Hill, I also serve as the Artistic and Executive Director of Carolina Performing Arts. I am also a Special Assistant to the Chancellor for the Arts.

2. In addition, I am a Professor of the Practice in the Department of Music and have taught courses in performing arts management, artistic entrepreneurship, and the creative process. I currently teach a first-year seminar class on understanding the world through music.

3. Prior to joining UNC-Chapel Hill in 2005, I served as the President and Executive Director of the Detroit Symphony Orchestra. I have also held positions with the Seattle Symphony and the American Composers Orchestra and have served as an Orchestra Management Fellow with the League of American Orchestras.

4. In 2012, President Barack Obama nominated me to the National Council on the Arts. My nomination was confirmed by the United States Senate, and I am currently serving a six-year term, which expires in 2018.

5. I have completed the Strategic Perspectives in Non-Profit Management program at Harvard University Business School. I was born in New York City and was trained in violin studies from a young age. I have a degree in Economics from the University of Rochester in New York.

6. I am an Asian male.

7. Kang Decl. Ex. 1 is a true and correct copy of my curriculum vitae. Kang Decl. Ex. 2 is a photograph of me from my UNC webpage.

Diversity as Central to the University Experience and Civil Discourse

8. Diversity is more important now than ever. This is, in part, because of the changing landscapes of civic dialogue, which are becoming more binary and polarized. The media is not helping in terms of creating a simple binary approach to black and white, right and wrong, left and right.

9. In my view, there is no such thing as a binary approach to life. We need to preserve the multiplicity and plurality of opinions and viewpoints so we can ensure that civic discourse is continued.

10. Opportunities to disagree are becoming more fraught with calls of mistreatment, exclusion, and harassment. The last real straw in that decline in discourse is diversity. Without diversity, it becomes nearly impossible to preserve the importance of discourse in our society. Society needs diversity in all forms – religious, ethnic, racial, political, gender, socioeconomic, and so forth.

11. The university is the most important place for discourse and diversity to thrive. It is critical for a university to protect the ability of disagreements to exist. It is human nature to try to avoid controversy and conflict. But the university should fight against that and do the opposite. Otherwise we will be graduating students with limited world views and life experiences. They will have limited ability to critique, criticize, and grow from criticism. Instead, we, as educators, want our students to be actively engaged in respectful disagreements and not retreat to corners. It is important that our students learn how to do these things and become more empathetic and sympathetic to other views.

12. Diversity, in all its forms, is essential to creating important and civil student body disagreement and discourse. It is critical that we ensure a diverse student body, racially and otherwise. For me, this issue is really at the heart of being an institution of higher education.

13. I am familiar with and support the UNC faculty council's resolution 2016-12 on the importance of diversity at UNC-Chapel Hill.

The Importance of Diversity in the Classroom

14. During the last eight years, I have mainly taught a first-year seminar about understanding the world through music. It is basically a diversity course. In this course, students learn about how to decode and deconstruct artists' work by trying to understand how the artist comes to the work. Kang Decl. Ex. 3 is a true and correct copy of one of my syllabi from the course.

15. Diversity of the students contributes significantly to their experience in the classroom. They are a microcosm of campus. Typically, out of the 30 students that are in the course, half are White, and we usually also have a number of Latino, Asian, Black, and international students. The class is a discussions-based course, and the students' socioeconomic and racial diversity is critical to the conversations we have.

16. In order to facilitate the discussions, I intentionally break the students into groups with people from different parts of the world. For example, I would have a Latino from Siler City, North Carolina partnered with a White football player from Dallas, Texas. Belief in the impact of diversity has to happen in the classroom. There is no question that students learn from each other's experiences. The more diverse our community, the more our students learn.

The Value of Diversity in the Arts

17. The mission of Carolina Performing Arts is to curate and present exceptional arts experiences that inspire and provoke the UNC-Chapel Hill community and beyond and celebrate the intrinsic value of the creative process.

18. We strive to nurture artistic innovation and the development of new works on and off campus; to challenge and inspire audiences with powerful and transformative performances; and to integrate the arts into the life of the University, embracing its mission of teaching, research, and public service.

19. Our vision is to be known by UNC-Chapel Hill, peer presenters, and the broader public for curating in-depth artistic engagements that elicit active participation by audiences and expand the role of artists on UNC-Chapel Hill's campus.

20. Our arts programming at UNC-Chapel Hill is very culturally, racially, and religiously diverse. Art is a fundamental form of human expression, and we believe that our arts programs should represent a variety of world views. Our arts community at UNC-Chapel Hill would all acknowledge that diversity in art is fundamental to an artists' success and, to be successful, an artist needs to present a different approach to similar issues.

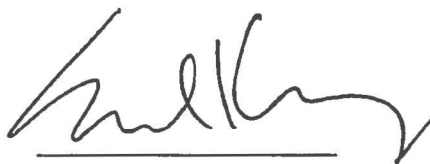
21. Diversity is also a hallmark of our performing arts season. We have 25,000 students attending performances. They have the opportunity to interact with diverse opinions, values, cultures, traditions, and contexts, which enhances their growth and learning.

Conclusion

22. Diversity is essential in life and in art. I believe UNC-Chapel Hill's diversity brings immeasurable benefits to its students and the entire campus community.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed on: 1/14/19



Emil Kang

Exhibit 1 to Kang Declaration

EMIL J. KANG
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 Chapel Hill, North Carolina 27514
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LEADERSHIP SUMMARY

Passionate and visionary leader in the performing arts, higher education, and philanthropy. Known for generating compelling and innovative artistic programs and strategies, creating excitement, energizing all stakeholders, and garnering support for distinctive and effective programs that enhance organization's global reputation. Recognized as excellent communicator and builder of relationships among and between diverse constituent groups and potential partners. Known for high energy, integrity, honesty, and poise. Youngest and first Asian American to serve as president of a major symphony orchestra. Appointed by President Barack Obama in September 2012 as first Korean-American to serve on the National Council on the Arts.

PROFESSIONAL EXPERIENCE

The University of North Carolina at Chapel Hill, Chapel Hill, North Carolina Executive and Artistic Director, Carolina Performing Arts Professor of the Practice, Department of Music Special Assistant to the Chancellor for the Arts	2005-Present 2016-Present
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Currently serves in dual role directing the university's performing arts program and driving change and growth in the arts across the University. Kang teaches courses in music, artistic entrepreneurship and performance studies.

- Founded and currently serves as executive and artistic director of Carolina Performing Arts, a program launched in 2005 that has become one of the nation's largest and leading university-based performing arts programs.
- Serve as the Chancellor's primary advisor and agent for campus arts engagement, public arts programming, and curricular change. Member of the Chancellor's Cabinet.
- Oversaw launch of Carolina Performing Arts and grand re-opening of Memorial Hall.
- Programmed and presented thousands of artists from around the world in every conceivable genre including the world's major orchestras, dance companies, theater companies, jazz ensembles, and recitalists.
- Spearheaded over 50 commissioned works by and for artists such as The Mariinsky Orchestra, Yo-Yo Ma, The Hilliard Ensemble, Magdalena Kožena and Yefim Bronfman, Bill T. Jones/Arnie Zane Dance Company, Nederlands Dans Theater, Taylor Mac, Alvin Ailey American Dance Theater, Basil Twist, Vijay Iyer, Brooklyn Rider, Martha Graham Dance Company, Marie Chouinard, and others.
- Developed and launched *The Rite of Spring at 100*, the nation's most comprehensive, multi-faceted festival celebrating the centennial anniversary of the Stravinsky masterpiece, featuring 12 newly-commissioned works by 20 internationally renowned artists in 100 performances, academic conferences in Chapel Hill and Moscow, symposia, masterclasses, and integrated curricula including 25 courses across campus taught on subjects related to Stravinsky and modernism.
- Launched Arts@TheCore, the University's first major initiative in integrating the arts into the academy, establishing the University's first Mellon Distinguished Scholar position, faculty curatorial fellowship, and post-doctoral fellowship for Carolina Performing Arts.
- Stewarded the University's first four major grants in the performing arts and higher education from The Andrew W. Mellon Foundation in support of *The Rite of Spring at 100*, Arts@TheCore, DisTIL, and *American Orchestras* totaling \$3.3 million.
- Built and oversee department of 23 staff and manage current annual budget of nearly \$7.5 million.

Detroit Symphony Orchestra (DSO), Detroit, Michigan
President and Executive Director
Vice President for Operations

1999-2003

2000-2003

1999-2000

As CEO, directed institutional vision towards understanding its role as *Detroit's* Symphony Orchestra through innovative programming, partnerships and educational activities. Understood that DSO needed to represent the richness and values of the Detroit community. Built awareness locally and globally that the Detroit Symphony Orchestra believes in the power of collaboration, the role we as a non-profit cultural institution can play in the revitalization of our city, and in celebrating our rich heritage using music as our vehicle for community change.

- Served as chief spokesperson in local, national and international community. Developed relationships with civic, religious, and community leaders that resulted in improved community standing and greater community awareness of institutional vision.
- Led efforts in the successful planning, construction and grand opening of the \$60 million restoration and expansion of Orchestra Hall into the Max M. Fisher Music Center in October 2003. Project served as a key component of midtown Detroit's revitalization.
- Held leadership role in the DSO's \$125 million capital and endowment campaign, "Concerto for Community and Orchestra." Supervised annual fund that raises over \$10 million annually. Increased annual fund from \$9 million to \$11 million over four years. Raised over \$3.5 million for orchestra tours in the United States and Europe in 2001 and 2003.
- Led relationship with the Detroit Public Schools and Detroit Public Television in the building of the \$122.5 million public Ford Detroit High School for the Fine, Performing, and Communication Arts on land donated by the DSO. New high school and three-way partnership represented first known partnership of these three institutions in America to improve the lives of inner city youth through arts and broadcasting education.
- Developed DSO's second and third youth orchestras serving 200 children ages 8-18. Includes nation's first youth jazz orchestra under the umbrella of a symphony orchestra. Through youth orchestra program, DSO now trains 300 serious young musicians weekly. Created first Jazz Directorship for an American symphony orchestra. Position held by Marcus Belgrave (2002) and Herbie Hancock (2003).
- In 2003, DSO received John S. Edwards Award for Strongest Commitment to new American Music from American Society of Composers, Authors and Publishers (ASCAP) and American Symphony Orchestra League (ASOL). Award was given in recognition of DSO's commitment to works of African- American composers.
- Spearheaded major commissions by composers that further new artistic and institutional identity of organization. Includes Michael Daugherty's *MotorCity Triptych* (2001) and *Fire and Blood* (2003), Roberto Sierra's *Concerto for Saxophones* (2003), George Walker's *Sinfonia No. 2* (2003), and Hannibal Lokumbe's *Dear Mrs. Parks* (2004).
- Led search for DSO's new music director to succeed Neeme Jarvi. Developed many new relationships with world-renowned conductors resulting in first-time engagements for Detroit. Initiated and negotiated agreement with Itzhak Perlman to serve as Principal Guest Conductor and with Thomas Wilkins to serve as Resident Conductor.
- Oversaw ticket sales and marketing resulting in earned income increase from \$6 million in 1999 to nearly \$10 million in 2003.
- Led negotiations with American Federation of Musicians and DSO Musicians for new master agreements in 2001 and 2003.

Seattle Symphony, Seattle, Washington.

1996-1999

Orchestra Manager

Responsible for managing day-to-day operations of 89-member orchestra and stage crew personnel; for supervising the execution of all symphony productions (rehearsals, performances, recordings, broadcasts, runouts, and tours); FY98 expenses, \$11 million. FY99 expenses, \$15.3 million.

- Managed aspects of design/construction of Benaroya Hall relating to orchestra operations and concert production.
- Key participant in collective bargaining with musicians union that delivered a ratified agreement eight months before deadline.
- Engaged Orchestra in multiple off-site performances and improved service usage that resulted in a 10% increase in fee revenue.

American Symphony Orchestra League, Washington, D.C.

1995-1996

Orchestra Management Fellow

Gained experience in all areas of orchestra management through competitively selected leadership training program encompassing three extended assignments with the San Francisco Symphony, Houston Symphony, and Grand Rapids Symphony Orchestras.

American Composers Orchestra, New York, New York.

1993-1995

Operations Assistant

Eli Wilner & Company, New York, New York
Gallery Manager

1990-1993

TEACHING EXPERIENCE

The University of North Carolina at Chapel Hill, Chapel Hill, North Carolina

2006-Present

Professor of the Practice, Department of Music

- Music 296; Independent study course for music majors; Spring 2009 – Present
- Music 089/065; *Understanding the World Through Music*, a first year seminar that immerses students in a wide-variety of musical styles, genres, and periods; Fall 2009 - Present
- Economics 327; *Artistic Entrepreneurship*, a course in economics where students launch ventures in the creative industries; Spring 2008 and 2009
- Communication Studies 037; *The Creative Process in Performance*, a first year seminar that looks at performance in everyday life, Fall 2006 and 2007

AWARDS and HONORS

The Watauga Club, North Carolina (2015)

Order of the Golden Fleece, The University of North Carolina at Chapel Hill (2013)

Presidential Appointment to National Council on the Arts, Washington, DC (2012 - 2018)

KEYNOTE ADDRESSES AND INVITED LECTURES

“The Artist as Entrepreneur,” McDuffie Center for Strings, Mercer University, 2017

“Touring Projects at American Universities,” Round Table Leader, Australian Performing Arts Market, 2016

“How to Plan and Run an Arts Festival,” Keynote Speaker, Shanghai China International Arts Festival, 2015

“International Arts Festivals and Urban Development,” Keynote Speaker, Tianjin Conservatory, 2014

“Nacho Duato and Martha Graham,” Moderator, Works & Process, Solomon R. Guggenheim Museum, NY, 2014

“Leadership in the Arts,” Invited Lecture, American Dance Festival, 2009 - 2015

“Arts and Higher Education”: A Conversation with John Mauceri and Emil Kang, Elon University, NC, 2013
“The Rite of Spring at 100,” Carolina Performing Arts at UNC-Chapel Hill, North Carolina, 2013
“The Arts Center for the 21st Century,” Invited Lecture, Dartmouth College, 2010
“Why Should I Care About the Arts?” Invited Lecture, First Year Fellows, University of North Carolina at Chapel Hill, 2010, 2011, 2012
“Creativity, Worlds in the Making,” Keynote Address, Program for Creativity and Innovation National Symposium, Wake Forest University, 2009
“Sustaining Strategies,” Keynote Address, Leadership Institute in the Arts, East Carolina University, 2009
“International Touring Projects,” Invited Lecture, Globalization and Identity, International Society for the Performing Arts Congress, Zagreb, Croatia, 2010
“The Creative Campus,” Seminar Panelist, Annual Conference, Association of Performing Arts Presenters, New York, 2008, 2009, 2010
“The Future of the Detroit Symphony Orchestra,” Invited Lecture, Varner Vitality Lecture Series, Oakland University, 2002
“Detroit and Its Orchestra,” Invited Lecture, Arthur L. Johnson Urban Perspectives Lecture Series, Wayne State University, 2001

PEER REVIEWS AND GRANT PANELS

Creative Capital, program consultant, 2012, 2013, 2015, 2016
Pew Center for Arts and Heritage, Philadelphia Cultural Management Initiative, grant review panel, 2012, 2013
The Alpert Award in the Arts, California Institute of the Arts, nominator, 2011, 2013
Multi-Arts Fund, evaluator, 2012, 2013
Duke University, Duke Performances, peer review panel, 2013
The Sphinx Competition, juror, 2012
National Endowment for the Arts, music & opera panel, 2000, 2002, 2004, 2006, 2008, 2009, 2010, 2011, 2012
Bucknell University, Weis Center for the Performing Arts, site visit evaluator, 2010
Maryland State Arts Council, site visit evaluator and grant review panelist, 2010
Virginia Tech University, performing arts center consultant, 2008
Pew Charitable Trusts, Dance Advance, site visit evaluator, 2008
Full Frame International Documentary Film Festival, juror, 2007
North Carolina Arts Council, grant review panel, 2007
Pew Charitable Trusts, Philadelphia Music Project, grant review panel chair, 2003
Michigan Council for Arts and Cultural Affairs, grant review panel, 1999-2002

CONVENINGS AND PROFESSIONAL CONFERENCES

CreativeTime Summit, Art and Politics, Washington DC, 2016
TEDGlobal, Scholarship Recipient, Oxford, UK (2009), Rio de Janeiro, Brazil (2014)
International Society of the Performing Arts Annual Congress, Newcastle (2005), Hong Kong (2006), Brussels (2007), Durban (2008), Zagreb (2010), Toronto (2012), Wrocław (2013), Bogota (2014), Melbourne (2016), Montreal (2017)
Association of Performing Arts Presenters, New York, 2005-2017
“The Future of Classical Music,” The Andrew W. Mellon Foundation, 2010
Classical Music Task Force, Association of Performing Arts Presenters, San Francisco, 2007
“The Creative Campus, Curb Center for Art, Enterprise, and Public Policy, Vanderbilt University, 2006
American Symphony Orchestra League Annual Conference, 1993-2003

PROFESSIONAL WORK

Martha Graham Dance Company, board of directors, 2016-Present
Institute of International Education, Artist Protection Fund, selection committee, 2015-Present
EMCArts, board of directors, 2015-Present
UNC Chancellor's Advisory Committee on Naming Facilities and Units, member, 2015-Present
International Society for the Performing Arts, development comm., 2014-present, nominating comm., 2011-2013
UNC Chancellor's Working Group on the Arts, member, 2015-Present
UNC Quality Enhancement Program Steering Committee, member, 2014-Present
Thomas S. Kenan Institute for the Arts, UNC School of the Arts, board of advisors, 2008-Present
Wake Forest University Interdisciplinary Center, board of advisors, 2012-Present
North Carolina Museum of Art, international advisory committee, *Porsche by Design*, 2013
The Morehead-Cain Scholars Central Selection Committee, 2012, 2013
TEDxUNC, master of ceremonies, 2013
Association of Performing Arts Presenters, board of directors, secretary, 2009-2012
New England Foundation for the Arts, National Dance Project, hub site representative, 2011-2012
UNC Global, International Affairs Advisory Council, member, 2006-2012
North Carolina Symphony, board of directors, 2008-2010
UNC Campus-Community Partnership, steering committee, 2008-2010
Henry Ford Health System, Detroit Campus, board of trustees, 2001-2003
University Cultural Center Association, board of directors, 1999-2003
United Neighborhood Centers Association, board of directors, 2000-2002
Young Presidents Organization, member, 2000-2003

LEADERSHIP DEVELOPMENT AND EDUCATION

Leading for Organizational Impact, Center for Creative Leadership, 2012
Faculty Learning Community on Strategy & Leadership, The University of North Carolina at Chapel Hill, 2011
Young Presidents Organization, *Greater Detroit Chapter*, 2001 - 2004
Leadership Detroit, Class XXII, Detroit Regional Chamber, 2001
Strategic Perspectives on Non-Profit Management, Harvard Business School, 2000

University of Rochester, Rochester, New York.

Bachelor of Arts, Economics, May, 1990, Minor, Art History.

Certificate of Management Studies, Accounting/Finance, William E. Simon Graduate School of Business Administration.

Exhibit 2 to Kang Declaration

